IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 17884 of 2004

Between:

Sri. Durgalamma Polamamba Ammavari Temple, rep. by its Manager,

B.V.S. Maheshwara Rao
S/o. Satyanarayana Sangivalasa Village, Bheemunipatnam Mandal,
Visakhapatnam District.

..... PETITIONER

AND

1 The Competent Authority & Spl. Dy. Collector (LA)NH-5,

Visakhapatnam.
2 The Project Director, PIU, National Highway Authority of India,
Visakhapatnam.
3 Akramana Appalanaidu, S/o. Peda Totayya
D/o. No.7-42-122, Sangivalasa Village,
Bheemunipatnam Mandal, Visakhapatnam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a writ or direction more particularly one in the nature of writ of Certiorari calling for the records pertaining to the award of the 1st respondent vide Rc.No.6/2001/R1-V Dt. 1.7.2002 to an extent of Ac.0.45 cents of land in Sy.No.15/6B in Sangivalasa Village, Bheemunipatnam Mandal, Visakhapatnam District quashing the same by declaring it as bad, arbitrary and contrary to the provisions of the National Highway Act 1956.

Counsel for the Petitioner:MS.M.VIDYAVATHI

Counsel for the Respondent Nos.1 & 2: GP FOR LAND ACQUISITION

The Court at the stage of admission made the following ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for Land Acquisition.

Petitioner is a temple. In the process of widening of the road, the first respondent proposed to acquire the land in an extent of Ac.0.45 cents belongs to the temple and at his request, the Asst. Commissioner of Endowments, Visakhapatnam addressed him requesting for payment of compensation for acquired religious institutions, which includes the land and structures of the temple. The first respondent is said to have passed Award dated 15.07.2002 awarding the compensation to the third respondent, who is in no way concerned to the temple. Hence, the petitioner-temple filed the present writ petition contending that the respondents have not followed the mandatory provisions of the National Highways Act, 1956 (for short 'the Act') in determining the real owner etc.

The language employed in sub-section (5) of Section 3G of the Act, is to the effect that once an award is passed and if the amount determined by the competent authority under the Award, under sub-section (1) or (2) of Section 3G is not acceptable to either of the parties, the amount shall on an application by either of the parties, be determined by the Arbitrator to be appointed by the Central Government. In view of the same, on an application being made by the petitioner for reference of the matter, the first respondent shall consider the

same and pass appropriate orders.

The writ petition is disposed of with the above said direction.

05.10.2004

ksld

To

1 The Competent Authority & Spl. Dy. Collector (LA)NH-5,

Visakhapatnam.

2 The Project Director, PIU, National Highway Authority of India, Visakhapatnam.

3 Two CCs to the Govt. Pleader for Land Acquisition, High Court of

A.P., Hyderabad (OUT).

4 Two CD copies.